

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID TERRELL SCOTT,

Petitioner,

-against-

UNITED STATES OF AMERICA,
Respondent.

X

X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 16 CIVIL 4262 (KMK)

DATE FILED: 11/15/19

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12 CR. 909 (KMK)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated November 14, 2019, Petitioner's Petition for Writ of Habeas Corpus is dismissed. As Petitioner has not made a substantial showing of the denial of a constitutional right, a Certificate of Appealability shall not be issued, see 28 U.S.C. § 2253(c)(2); Lucidore v. NY State Div. of Parole, 209 F.3d 107, 111-12 (2d Cir. 2000), and the Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this judgment on the merits would not be taken in good faith, see Coppedge v. United States, 369 U.S. 438, 445 (1962) ("We consider a defendant's good faith...demonstrated when he seeks appellate review of any issue not frivolous."); Burda Media Inc. v. Blumenberg, 731 F. Supp. 2d 321, 322-23 (S.D.N.Y. 2010) (citing Coppedge and finding that an appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith). Judgment is entered in favor of respondent; accordingly, the case is closed.

DATED: New York, New York
November 15, 2019

RUBY J. KRAJICK

Clerk of Court

BY:

K. Maryo
Deputy Clerk